IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 25346 of 1999

Between:

Smt. Butty Kusumalatha W/o late B. Veer Kumar
R/o 3-6-542/2/A, 8th Street,
Himayatnagar, Hyderabad

..... PETITIONER

AND

Kukatpally Municipality, represented by its Commissioner
Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of a Writ of Mandamus, restraining the respondent from interfering with the construction work in the Petitioner's Plot Bearing No.115/A, Sy.No.132, admeasuring 307 sq. yards situated at Balaji Swarnapuri Colony, Kukatpally Municipality.

Counsel for the Petitioner : MR.Y.VISWESHWARA RAO

Counsel for the Respondent : MR.P. RADHA KRISHNA REDDY

The Court made the following :

THE HONOURABLE MR. JUSTICE B. SESHASAYANA REDDY

WRIT PETITION NO.25346 OF 1999

ORDER:

This writ petition has been filed by Smt. Butty Kusumalatha with a prayer to issue an appropriate writ, order or direction, restraining the respondent from interfering with the construction work in Plot Bearing No. 115/A, Survey No.132, admeasuring 307 square yards, situated at Balaji Swarnapuri Colony, Kukatpalli Municipality.

2. The case of the writ petitioner as set out in the affidavit filed in support of the petition, in brief, is as follows:-

The writ petitioner is the owner of Plot bearing No. 115/A, Balaji Swarnapuri Colony, Kukatpalli Municipality, Hyderabad, admeasuring 307 square yards. She made an application to the Kukatpalli Municipality for construction of a house and secured permission from the Municipality in B.A.No.2-250/BA/7907/98 dated 31-12-1998. When one Srinivasa Reddy started interfering with her constructions, she filed O.S.No.545 of 1999 on the file of the Principal Junior civil Judge, West and South, Ranga Reddy District, seeking permanent injunction and secured interim injunction in I.A.No.1734 of 1999. N. Srinivasa Reddy and others made an application to the Municipal Corporation of Hyderabad. Thereupon, the Commissioner, Kukatpally Municipality, issued a memo to the Writ Petitioner revoking the permission of construction granted to her through its order bearing No.G2/250/BA/7907 of 1998 dated 31-12-1998. Questioning the cancellation of the permission, the writ petitioner filed W.P.No.20687 of 1999. The said writ petition came to be disposed of quashing the cancellation order directing the Commissioner, Municipality to take action in accordance with law after giving notice to the writ petitioner. When the Commissioner-Municipality started interfering with constructions without passing any orders, the present writ petition has been filed.

3. Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the Kukatpalli Municipality.

4. It is no more in dispute that a direction has been given to the respondent-municipality in the earlier writ petition to issue notice to the writ petitioner and pass appropriate orders. As on this day, no orders have been passed in pursuance of the directions given in W.P.No.20687 of 1999. Therefore, the action of the respondent-Municipality, without passing orders as directed in the earlier writ petition, in interfering with the construction of the writ petitioner is wholly unjustified.

5. Accordingly, the writ petition is disposed of directing the respondent-municipality not to interfere with the constructions of the writ petitioner in Plot No.115/A, until the necessary orders are passed in pursuance of the directions given in W.P.No.20687 of 1999.

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B. SESHASAYANA REDDY, J.

DATED: 28th June, 2005

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Copy to:

1. The Commissioner.
   Kukatpally Municipallty,
   Ranga Reddy District.

2. Two C.D.Copies.